IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 29 of 2001

in

SPECIAL CIVIL APPLICATION No 10285 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL
and
Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VS MATREJA

Versus

TREASURY OFFICER (PENSION)

Appearance:

MR JR NANAVATI for Appellant No. 1
GOVERNMENT PLEADER for Respondent No. 1
RULE NOT RECD BACK for Respondents No. 2-3,5-6
NOTICE SERVED for Respondents No. 2,3
SERVED BY RPAD - (N) for Respondents No. 2,3
MR MUKESH R SHAH for Respondent No. 4
MR BIPIN I MEHTA for Respondent No. 4

CORAM : MR.JUSTICE J.M.PANCHAL
and
MR.JUSTICE P.B.MAJMUDAR

Date of decision: 13/12/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE J.M.PANCHAL)

This Appeal, which is filed under Clause 15 of the Letters Patent, is directed against the judgment dated November 30, 2000, rendered by the learned single Judge in Special Civil Application No.10285 of 2000, by which the prayer made by the appellant, to direct respondents 2 to 6 to complete his case for pension and send all documents to the Treasury Officer (Pension), Pension Payment Office, Multi-storeyed Building, Lal Darwaja, Ahmedabad in order to enable him to draw pension, is rejected. We may state that while dismissing the petition, the learned single Judge has also directed the appellant to pay Rs.1,000/- as costs of the petition to be deposited in the Chief Minister's Relief Fund.

At the time of hearing of the appeal, the learned counsel for the appellant has produced communication dated October 24, 2001 received by the Treasury Officer, Ahmedabad, which indicates that the prayer made by the appellant in the petition is accepted by the respondents. The said communication, with calculation, is taken on the record of the appeal. In view of the contents of communication dated October 24, 2001, the learned counsel for the appellant states that the appeal has become infructuous and be disposed of accordingly. As the demand made by the appellant is accepted by the respondents, we are of the opinion that the direction given by the learned single Judge to the appellant to pay Rs.1,000/- as costs of the petition to be deposited in the Chief Minister's Relief Fund deserves to be set aside.

For the foregoing reasons, the direction given by the learned single Judge, requiring the appellant to pay Rs.1,000/- as costs of the petition to be deposited in the Chief Minister's Relief Fund is set aside.

Subject to the above modification, the appeal is disposed of as having become infructuous, with no orders as to costs.

13th December, 2001 (J.M. Panchal, J.)

(P.B. Majmudar, J.)

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(apj)